

ORDINANCE NO. 97-24

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS SERIES OF THE LAND USE ELEMENT; ADOPTING A SMALL SCALE DEVELOPMENT AMENDMENT; MODIFYING FUTURE LAND USE ATLAS PAGE 109 BY CHANGING A 8.49 ACRE PARCEL OF LAND GENERALLY LOCATED ON THE WEST SIDE OF STATE ROAD 7, APPROXIMATELY 1/3 MILES NORTH OF GLADES ROAD, FROM LR-3 TO CL-3; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on July 25, 1997, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made a recommendation regarding the proposed amendment to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes at the conclusion of the public hearing; and

1 **WHEREAS**, the Palm Beach County Board of County
2 Commissioners, as the governing body of Palm Beach County,
3 conducted a public hearing pursuant to Chapter 163, Part II,
4 Florida Statutes, on August 28, 1997, to review the
5 recommendation of the Local Planning Agency; and

6 **WHEREAS**, the Palm Beach County Board of County Commissioners
7 has determined that the amendment complies with all requirements
8 of the Local Government Comprehensive Planning and Land
9 Development Regulation Act.

10
11 **NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY**
12 **COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:**

13
14 **Part I. Amendment to the Future Land Use Atlas of the Land**
15 **Use Element of the 1989 Comprehensive Plan**

16 An Amendment to the Land Use Element's Future Land Use Atlas
17 of the Palm Beach County 1989 Comprehensive Plan, is hereby
18 adopted as follows:

19 A. Future Land Use Atlas page 109 is amended as follows:

20
21 Application No.: 1997 - SCA 109 COM 1

22 Amendment: From 8.49 acres of Low Residential 3
23 (LR-3) to Commercial Low (CL) with an
24 underlying Low Residential 3 (CL/LR-3).

25 General Location: On the west side of State Road 7,
26 approximately 1/3 of a mile north of
27 Glades Road

28 Size: 8.49 acres

29 B. The amendment is subject to the following conditions:

30 1. **Uses:**

31 The subject property shall be restricted to the
32 following uses as defined by the Palm Beach County
33
34
35

Unified Land Development Code (ULDC):

- medical, business or professional office (43,000 sq. ft.);
- self-service storage (86,300 sq. ft.).

2. Code Amendments:

The property's land use classification shall be amended to CL-O as a staff initiated amendment upon completion and adoption of the ULDC amendments to allow self storage facilities in the CL-O zoning category.

- C. A legal description for the parcel depicting the amendment is attached to this ordinance as Exhibit 1.
- D. A map depicting the amendment is attached to this ordinance as Exhibit 2.

Part II. Effective Date

This amendment shall not become effective until 31 days after adoption. If challenged within 30 days after adoption, this amendment shall not become effective until the state land planning agency or the Administration Commission, respectively, issues a final order determining the amendment is in compliance.

APPROVED AND ADOPTED by the Board of County Commissioners of Palm Beach County, on the 28 day of August, 1997.

DOROTHY H. WILKEN

PALM BEACH COUNTY, FLORIDA,
BY ITS BOARD OF COUNTY COMMISSIONERS

By: Jean Haverly

Deputy Clerk

Chair

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

County Attorney
COUNTY ATTORNEY

Filed with the Department of State on the 2nd day of
September, 1997.

LEGAL DESCRIPTION:

(PER OFFICIAL RECORDS BOOK 5534, PAGE 930)

Tract No. 5 in Section 13, Township 47 South, Range 41 East, FLORIDA FRUIT LAND COMPANY'S SUBDIVISION NO. 2, according to the Plat thereof as recorded in Plat Book 1, Page 102, of the Public Records of Palm Beach County, said land situate, lying and being in Palm Beach County, Florida; LESS Right of Way for State Road No. 7, and LESS a parcel more fully described as the following:

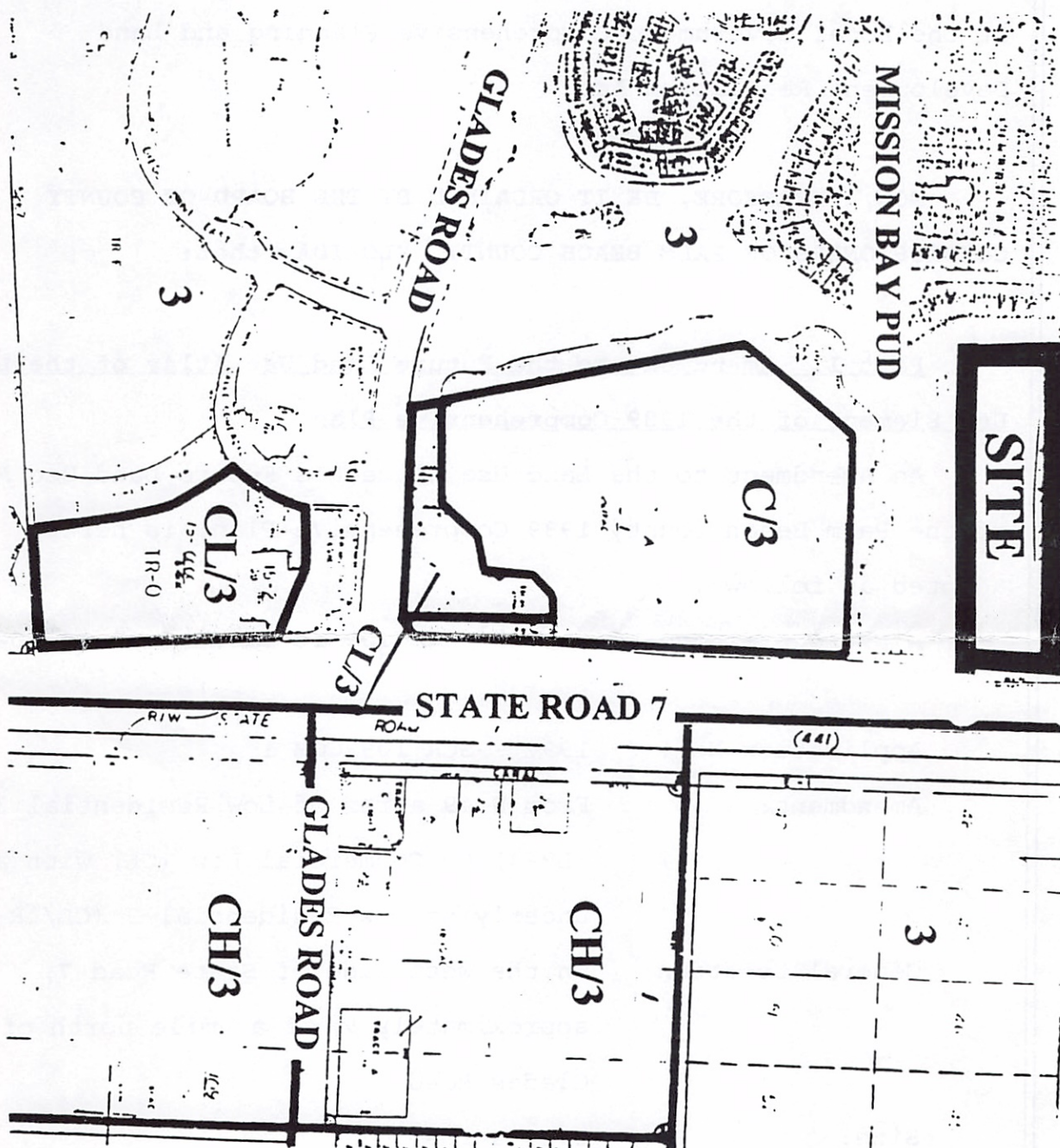
COMMENCING at the Northeast corner of Tract "A" of the plat of MISSION BAY PLAZA as recorded in Plat Book 49, Pages 160-162 of the Public Records of Palm Beach County, Florida; thence with a bearing of North 00°51'43" West, along the Northerly extension of the East line of said Tract "A", a distance of 381.59 feet to a point lying on the South line of the aforesaid Tract 5; thence with a bearing of North 89°46'57" East, along said South line of Tract 5, a distance of 57.00 feet to the POINT OF BEGINNING; thence with a bearing of North 00°51'43" West, a distance of 326.34 feet to a point lying on the North line of the aforesaid Tract 5 and the South line of BOCA GREENS - PLAT NO. 2, as recorded in Plat Book 39, Pages 161-163 of the Public Records of Palm Beach County, Florida; thence with a bearing of North 89°46'52" East, along said North line of Tract 5, a distance of 102.51 feet to a point lying on the West right-of-way line of State Road 7 per Road Book 1, Page 35 of the Public Records of Palm Beach County; thence with a bearing of South 00°51'43" East, along said West right-of-way line, a distance of 326.34 feet to a point lying on the South line of the aforesaid Tract 5; thence with a bearing of South 89°46'57" West, along said South line of Tract 5, a distance of 102.51 feet, more or less, to the POINT OF BEGINNING.

Together with all the tenements, hereditament and appurtenances, with every privilege, right, title, interest, estate, reversion, remainder and easement thereto belonging or in anywise appertaining.

Said lands situate, lying and being in Palm Beach County, Florida and containing 369,782 square feet, 8.49 acres, more or less.

CONTAINING 8.49 +/- ACRES.

GENERALIZED LOCATION MAP



Future Land Use Map

1997 - SCA 109 COM 1

HeRo/441

Size - 8.49 acres
Existing Use - Nursery

Existing FLU - LR-3
Existing Zoning - AR
Proposed FLU - CL/3

Land Use Designations

3-Low Residential 3

C/3- Commercial/ 3

CL/3- Commercial Low/3

CH/3- Commercial High/3

North

0 150 300 450
Approximate Scale in Feet
1" = 300'

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on 9/2/97
DATED at West Palm Beach, FL on 9/8/97.
DOROTHY H. WILKEN, Clerk
By Melissa F. Lane D.C.